

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY T. DAN,

Plaintiff,

vs.

STATE OF NEBRASKA, CHERL FINN,
Medical Staff - individual capacity;
MEDICAL STAFF, Medical Staff - individual
capacity; WALLS, Case Manager -
individual capacity; BOYER-SEARS,
Lieutenant - individual capacity; BROOKS,
Officer - individual capacity; BEEBE, Case
Manager - individual capacity; MCNAIR,
Case Manager - individual capacity;
BUSBOOM, Assistant Warden - individual
capacity; CRAIG GABLE, Warden -
individual capacity; B. HOLLISTER, Dr.,
Mental Health Representative - individual
capacity; C. HINZMAN, Classification
Representative - individual capacity; R.
BRITTENHAM, Intelligence Representative-
individual capacity; DIANE SABAKSTA-
RINE, Chief of Operations - individual
capacity; ROBERT MADSEN, Deputy
Director - individual capacity; and ROB
JEFFREYS, Director- individual capacity;

Defendants.

8:23CV532

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Complaint, [Filing No. 1](#), on November 30, 2023. However, Plaintiff failed to include the \$402.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk's office or submitting a request to proceed in

forma pauperis (“IFP”).¹ Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$402.00 fees to the Clerk’s office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **January 10, 2024**: Check for MIFP or payment.

Dated this 11th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge

¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court’s \$350 filing fee in installments. See 28 U.S.C. § 1915(b)(1); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$52.00 administrative fee assessed to non-IFP plaintiffs. Prisoner plaintiffs are required to pay the full amount of the Court’s \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b).